

Chapter 5.12

WEED ABATEMENT

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5.12.010 Weed or Rank Vegetation Height. It is unlawful for anyone to permit any weeds, rank vegetation, grass or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding nine inches anywhere in the City. The definition of "weeds and rank vegetation" does not include agricultural crops such as hay and pasture or vegetation planted for some useful or ornamental purpose or a natural or developed wooded area or forest which does not create a health or safety hazard. The determination as to whether vegetation meets the definition of "weeds and rank vegetation" shall be at the discretion of the Street Commissioner and/or the Board of Public Works and Safety. Weeds or rank vegetation exceeding such a height are hereby declared to be a nuisance. (Ord. 2003-31, S1, June 25, 2003) (Ord. 1997-16, S5.12.010, 1997)

5.12.020 Vegetation or Permanent Structures on Easements and Governmental Property. It is unlawful to permit weeds, vegetation, trees, permanent structures or woody growth on private property which, due to its proximity to any governmental property, right-of-way, or easements, interferes with the public safety or lawful use of the governmental property, right-of-way, or easement. Such interference is hereby declared to be a nuisance. (Ord. 1997-16, S5.12.020, 1997)

5.12.030 Noxious Weeds or Other Rank Vegetation. It is unlawful for anyone to permit any noxious weed, including, but not limited to Canadian thistle and Johnson grass, to grow or be grown on any premises on which weeds, plants or grass are permitted to grow. (Ord. 1997-16, S5.12.030, 1997)

5.12.035 Complaints. The Street Commissioner and his Department shall inspect any real estate within the City upon which they receive a request to inspect or any real estate upon which a complaint for a violation of this Chapter has been received by any other City Department. In order to preserve the health and safety of the City, the Street Commissioner or any of his employees or his designates may enter the property to inspect same for a violation of this Chapter. (Ord. 2001-22, S1, 2001)

5.12.040 Removal - Notice. The Street Commissioner and his Department shall be responsible for the enforcement of this Ordinance. The Street Commissioner, upon receipt of a complaint of a violation of this Chapter, shall issue a five-day written notice to the record owner(s) of the property at the property address or at the address provided on the tax duplicates in the office of the Treasurer of Dubois County, Indiana by certified mail, to remove the weeds or rank vegetation. Following the issuance of written notification, the Street Commissioner shall report the notifications at the next Board of Public Works meeting for publication. (Ord. 2003-31, S2, June 25, 2003) (Ord. 2001-22, S2, 2001) (Ord. 1997-16, S5.12.040, 1997)

5.12.050 Failure to Abate. If the landowner fails to cut and remove the weeds and/or rank vegetation within the time prescribed in the notice, or any extension of that time granted by the Board of Public Works and Safety, the City of Jasper, through City employees or contractors hired by the City may enter the property to abate the violation of this Ordinance may cut and remove, or cause to be cut and removed, such weeds and/or rank vegetation. (Ord. 2003-31, S3, June 25, 2003) (Ord. 1997-16, S5.12.050, 1997)

5.12.060 Civil Penalty. In the event that the City removes or causes to be removed such weeds and/or rank vegetation; or in the event that the City receives additional substantiated complaint after the first complaint has been abated in the same calendar year regarding the same parcel of ground, which is owned by the same person, then a civil penalty will be assessed, as follows:

First Offense:	\$ 25.00
Second Offense:	\$ 50.00
Third and Subsequent Offenses:	\$ 100.00 (Ord. 2003-31, S4, June 25, 2003) (Ord. 1999-19, S5.12.060, 1999) (Ord. 1997-16, S5.12.060, 1997)

5.12.070 Billing Procedure. The Clerk-Treasurer shall then issue a bill to the landowner for the costs incurred by the City in abating the violation, a civil penalty, administrative costs, including, but not limited to, certified mail expenses for all notifications sent to the landowner, and removal costs. The bill shall be served upon the landowner in the same manner as the service of notice of violation. Costs for the abatement of weeds are determined by the Board of Public Works and Safety. (Ord. 2003-31, S5, June 25, 2003) (Ord. 1999-23, S1, 1999) (Ord. 1997-16, S5.12.070, 1997)

5.12.080 Appeal. Any appeal of the removal notice or bill must be made in writing, within ten (10) calendar days of the date of the removal notice or bill, whichever is applicable. Any appeal must be in writing and shall be made to the Board of Public Works, which shall set the matter for hearing. The hearing may be at a special meeting of the Board of Public Works or any regularly scheduled meeting of the Board of Public Works. After the hearing, the Board of Public Works shall issue its written findings. Any appeal from written findings of the Board of Public Works must be made to a court of competent jurisdiction located in Dubois County, Indiana, within ten (10) calendar days of the issuance of its written findings by the Board of Public Works. (Ord. 1997-16, S5.12.080, 1997)

5.12.090 Lien. If the landowner fails to pay a bill issued under Section 5.12.070 of this Chapter within the time specified, the Clerk-Treasurer shall certify to the Auditor of Dubois County the amount of the bill, plus any additional administrative costs incurred in the certification. The Auditor of Dubois County shall place the total amount certified on the tax duplicate for the property affected, and the total amount, including any accrued interest, shall be collected as delinquent taxes are collected and shall be disbursed to the general fund of the City of Jasper. (Ord. 1997-16, S5.12.090, 1997)

5.12.100 Administrative Liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City attorney until the final determination of the proceedings therein. (Ord. 1997-16, S5.12.100, 1997)

5.12.120 Separability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereunder. (Ord. 2003-31, S8, June 25, 2003) (Ord. 1999-19, S3, 1999) (Ord. 1997-16, S5.12.120, 1997)

5.12.130 Prior Ordinances. All ordinances and/or part of ordinances in conflict herewith are hereby repealed. (Ord. 2003-31, S7, June 25, 2003) (Ord. 1997-16, S5.12.130, 1997)